

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

IN RE:

YELLOW CORPORATION, et al

(DEBTORS)

: CASE NO. 23-11069 (CTG)

: Chapter 11

: SEPTEMBER 25, 2023

EMILY LOURO'S MOTION FOR RELIEF FROM AUTOMATIC STAY

Emily Louro ("Movant"), a party in interest, by her undersigned attorney, hereby moves pursuant to 11 U.S.C. §§ 361-363 of the United States Bankruptcy Code, for relief from the automatic stay and respectfully represents as follows:

This Court has jurisdiction over this proceeding pursuant to 28 U.S.C.A. § 1334. The Movant has filed an action against the debtor in Meriden, CT Superior Court with a return date of October 25, 2022, docket number NNICV22-6027568, (Emily Louro v. Robert Slater, YRC, Inc. D/B/A YRC Freight), which case is pending in the judicial district of New Haven at Meriden. This case alleges personal injuries and damages to the plaintiff arising out of the negligent operation of a motor vehicle owned and operated by the debtor corporation.

On August 6, Yellow Freight Corporation and certain of its affiliates, including the defendant in the Connecticut action YRC, INC D/B/A YRC FREIGHT, filed voluntary petitions under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the District of Delaware.

On August 24, 2023, counsel for YRC, INC. D/B/A YRC FREIGHT filed “Notice of Suggestion of Bankruptcy For Yellow Freight Corporation and Certain of Its Affiliates and Automatic Stay of Proceedings” in the Connecticut state court action.

In discovery responses by YRC, INC D/B/A YRC FREIGHT dated March 6, 2023, in the state court action, they have stated that there was in effect on the date of the aforementioned motor vehicle collision, a policy of liability insurance in the amount of one million (\$1,000,000) dollars underlying coverage and an excess liability policy of six million (\$6,000,000) dollars. It was further represented in discovery responses that neither the carrier for the underlying liability policy nor the excess policy have disclaimed coverage and/or reserved the duty to indemnify any insured or person protected by their respective policies.

The Movant Emily Louro represents that if this Court grants movant relief from automatic stay, she intends to seek damages in the state court action limited to the extent of the liability limits of the applicable insurance policies as aforementioned in Debtor’s responses to discovery. She will not seek damages above or beyond the applicable insurance policy limits,

and the continuation of the state court action will not interfere with the bankruptcy filing of the Debtors

The relief requested by Movant Emily Louro will not result in any prejudicial dissipation of Debtors' assets.

As there was liability insurance coverage afforded to the Debtors in the state court action, delaying the state court action will serve to delay Movant from having her case adjudicated on the merits in state court, and the delay will result in a manifest injustice to the Movant.

WHEREFORE, the Movant requests that relief from stay be granted.

Dated at Hartford, Connecticut, this 25th day of September, 2023

By: 

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**ORDER OF EMILY LOURO'S
MOTION TO FOR RELIEF FROM AUTOMATIC STAY**

The Movant EMILY LOURO, having moved this court by motion dated September 25, 2023, for relief from the automatic stay in order to permit the Movant: to proceed in her action in the Connecticut Superior Court to prosecute her action for personal injuries and damages but only to the extent of the liability insurance policies affording liability coverage for motor vehicle collisions to the Debtors/defendants in the state court action.

ORDERED, ADJUDGED AND DECREED that:

1. Relief from stay is hereby granted only to the extent that Movant is allowed to proceed against Debtor's liability insurance coverage as aforementioned; and the automatic stay is terminated with respect to the Movant.

It is so ORDERED, this ____ day of _____, 2023

Craig T. Goldblatt
United States Bankruptcy Judge

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CERTIFICATION OF SERVICE

This is to certify that on the 25th day of September, 2023, a copy of Emily Louro's Motion for Relief from Automatic Stay dated September 25, 2023 was mailed by United States mail postage prepaid to:

Frederick J. Trotta, Sr., Esq., Halloran and sage, LLP., 265 Church St., Suite 802, New Haven, CT 06510;

Laura Davis Jones, Esq., Peter J. Keane, Esq., Pachulski Stang Ziehl & Jones, LLP, 919 North Market St, 17th Floor, Wilmington, Delaware 19801;

Casey McGushin, Esq., Conor P. McNamara, Esq., Whitney C. Fogelberg, Esq., David Seligman, Esq., Richard U.S. Howell, Esq., Rob Jacobson, Esq., and Patrick J. Nash, Esq., Kirkland & Ellis LLP, 300 North LaSalle, Chicago, IL 60654;

Michael Esser, Esq., Kirkland & Ellis LLP, 555 California Street, 27th floor, San Francisco, CA 94104; and

Allyson B Smith, Esq., Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022

Movant:

EMILY LOURO

By: 

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